

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN PABLO SOTELO-CASTRO,

Defendant.

No. 11-CR-2037-LRR

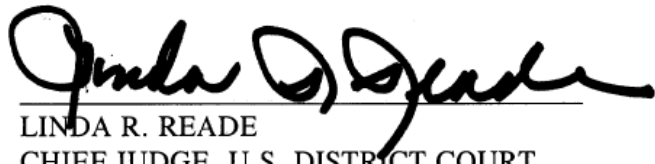
ORDER

The matter before the court is the government's "Motion to Dismiss Count 3 of the Indictment" ("Motion") (docket no. 19). Pursuant to Federal Rule of Criminal Procedure 48(a), "[t]he government may, with leave of court, dismiss an indictment, information, or complaint." Fed. R. Crim. P. 48(a). "[T]he district court may deny leave to dismiss an indictment[] when the defendant objects to the dismissal, and when dismissal is clearly contrary to the manifest public interest." *United States v. Jacobo-Zavala*, 241 F.3d 1009, 1012 (8th Cir. 2001). In this case, Defendant Juan Pablo Sotelo-Castro has not objected to the dismissal. *See* Minutes for November 9, 2011 Status Conference (docket no. 20). Furthermore, the court does not find that dismissal is clearly contrary to the manifest public interest. *See Jacobo-Zavala*, 241 F.3d at 1013-14 (holding that dismissal is contrary to the manifest public interest when the prosecutor acts in bad faith or has other improper motives).

Therefore, the Motion is **GRANTED**. Accordingly, Count 3 of the Indictment is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DATED this 10th day of November, 2011.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA